

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**CORNERSTONE GROUP
ARCHITECTS LLP,**

Plaintiff,

VS.

**DAGER CONSTRUCTION, INC.,
RONALD DAGER JR., CHELSEY DAGER,
MOLYET ENGINEERING, LLC, AND
THOMAS J. VAYKO DESIGNS, LLC**

Defendants.

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CIVIL ACTION NO. 1:23-cv-554

PLAINTIFF CORNERSTONE GROUP ARCHITECTS LLP'S
ORIGINAL COMPLAINT

Plaintiff, Cornerstone Architects, LLP (“Cornerstone”), by and through its undersigned counsel, files this Complaint against Defendants Dager Construction, Inc. (“DC”), Ronald Dager Jr. (“R. Dager”), Chelsey Dager (“C. Dager”), Molyet Engineering, LLC (“Molyet”) and Thomas J. Vayko Designs, LLC (“TJVD”) (collectively the “Defendants”), alleging the following:

I.
PARTIES

1. Plaintiff Cornerstone Architects, LLP is a limited liability partnership formed under the laws of the State of Texas. Plaintiff is located in and operates out of Travis County, Texas.

2. Defendant Dager Construction, Inc. is a corporation formed under the laws of the State of Florida with its principal place of business at 540 North State Road 434, Suite 176A, Altamonte Springs, Florida 32714 and can be served with process by serving its registered agent, Ronald Dager Jr., at 2190 Terrace Blvd., Longwood, Florida 32779 or wherever he may be found.

3. Defendant Ronald Dager Jr. can be served with process by serving him at his primary abode located at 2190 Terrace Blvd., Longwood, Florida 32779 or wherever he may be found.

4. Defendant Chelsey Dager can be served with process by serving her at her primary abode located at 2190 Terrace Blvd., Longwood, Florida 32779 or wherever she may be found.

5. Defendant Molyet Engineering, LLC is a limited liability company formed under the laws of the State of Florida with its principal place of business at 33 Talmadge Gardens Rd., Deland, Florida 32724 and can be served with process by serving its registered agent, Eileen Molyet, at 33 Talmadge Gardens Rd., Deland, Florida 32724 or wherever she may be found.

6. Defendant Thomas J. Vayko Designs, LLC is a limited liability company formed under the laws of the State of Florida with its principal place of business at 3030 N. Rocky Point Dr., Suite 150A, Tampa, Florida 33607 and can be served with process by serving its registered agent, Registered Agents Inc., at 7901 4th Street North, Suite 300, St. Petersburg, Florida 33702.

II.

JURISDICTION AND VENUE

7. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Laws of the United States (17 U.S.C. §101 et seq.). As set forth in greater detail below, this action involves the unauthorized acquisition and transfer of the copyrighted architectural plans owned by Cornerstone (hereinafter the “Plans”).

8. This Court has jurisdiction under 17 U.S.C. §101 et seq.; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).

9. Venue in this District is proper under 28 U.S.C. §1391(b) and/or 28 U.S.C. §1400(a), as Plaintiff suffered damages in Travis County, Texas.

III.

FACTUAL BACKGROUND

10. The Plan was created and drawn by Cornerstone. Upon preparing such Plan, it became automatically protected by United States copyright laws. The preparation and creation of the plan came at considerable cost and expense to Cornerstone.

11. The Plan was viewable on certain websites and social media sites. When there, R. Dager specifically commented on the Plan.

12. Months later, it came to Cornerstone's attention that R. Dager built a home that was substantially similar to that of the Plan. Such was done with the coordinated effort of all Defendants to copy the Plan owned by Cornerstone.

13. The use and copying of the Plan was an unlawful derivative work and violates Cornerstone's copyright protections.

14. The Defendants' acts constitute a willful, intentional acts in complete disregard of and with indifference to the rights of Cornerstone.

15. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to all damages it suffered along with all profits realized by Defendants.

IV. **CLAIM**

16. Cornerstone realleges the foregoing paragraphs as if fully set forth herein.

17. Cornerstone has a valid and existing copyright in the Plan. Defendants copied the Plan for their own benefit and financial gain. Such act constitutes a copyright infringement under Federal law. The full amount of Cornerstone's damages shall be determined by the trier of fact.

V. **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear herein and answer, and that upon final trial, that Plaintiff have judgment against the Defendants for the following:

- (a) that Defendants are liable for copyright infringement by virtue of Defendants' past and ongoing unauthorized use of the Plan;
- (b) that Defendants' copyright infringement was voluntary and intentional;

- (c) actual damages;
- (d) pre- and post- judgment interest at the maximum permissible rate, at law or in equity;
- (c) reasonable attorneys' fees;
- (c) costs of court; and
- (d) all other relief, in law and in equity, to which she may be entitled.

V.
JURY DEMAND

Cornerstone demands trial by jury on all issues so triable.

Respectfully submitted,

SAVRICK, SCHUMANN, JOHNSON, MCGARR,
KAMINSKI & SHIRLEY, L.L.P.

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**ATTORNEYS FOR PLAINTIFF
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